

IN RE: PETITION FOR ZONING VARIANCE  
N/S Burridge Avenue, 300' W  
of Mid Avenue  
9th Election District  
4th Councilmanic District

BEFORE THE  
DEPUTY ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 88-305-A

Mary Collins  
Petitioner

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests variances to permit a front yard setback of 12 feet in lieu of the required 25 feet and a rear yard setback of 10 feet in lieu of the required 30 feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioner appeared and testified. Also appearing on behalf of the Petition was Rudy Aquino, a real estate agent. The following persons appeared in opposition: William A. Hofferberth, Thomas F. Nibali and Robert E. Holt.

Testimony indicated that the subject property, zoned D.R. 5-5, is located on the corner of Old Harford Road and Burridge Road. Said property is a vacant lot which was inherited by the Petitioner in February 1985 and has been listed on the real estate market since April 1987. Mr. Aquino testified that the variances being requested are necessary in order that a proposed dwelling can be constructed facing Burridge Road rather than Old Harford Road. Mr. Aquino testified that due to the location of the property, its marketability is dependent upon being able to build a house facing Burridge Road as do the majority of the homes. While there exists two houses in the vicinity which face Old Harford Road, testimony indicated that those houses were built long before the present construction of Old Harford Road and the Baltimore Beltway I-695. There is no access to Old Harford Road from the subject property.

Mr. Holt, a representative of the Woodcroft Civic Association, testified that while the Association did not know the details of the Petitioner's request

#### TECHNICAL DESCRIPTION

Beginning on the North side of Burridge Avenue at the district of 300' +/- West of the center line of Mid Avenue, Being lot numbers 9 and 10, Block A "Harford Garden", Book W.P.C. Number 7, Folio 157, 9th Election District, Baltimore County, Maryland.

#### CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 9th Date of Posting: 1/22/88  
Posted for: Variances  
Petitioner: Mary Collins  
Location of property: 1055 Taylor Ave., Suite 100, Towson, Md.  
Location of Sign: 1055 Taylor Ave., Suite 100, Towson, Md.  
Remarks: None  
Posted by: M. Collins Date of return: 1/22/88  
Number of Signs: 1

when they met, it was their position that they are opposed generally to any variances being granted.

Mr. Hofferberth, the adjoining property owner, testified that he is opposed to any variances.

Since it was clear at the hearing that the Petitioner and community had not discussed the matter, it was suggested that all parties meet and if an agreement could be reached, they would notify this office accordingly. To date, none of the parties to this Petition have notified this office as to any agreement being reached.

A visual inspection of the subject property made by the Deputy Zoning Commissioner revealed that the homes on Burridge Road all face Burridge Road and are well-maintained. The two homes facing Old Harford Road are much older and not nearly as well-maintained.

The Petitioner seeks relief from Section 1802.3C1 pursuant to Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.).

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

#### PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3C1 to permit front setback of 12 feet in lieu of the required 25 feet; and a rear setback of 10 feet in lieu of the required 30 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

1. It will be very difficult to have proposed dwelling facing Burridge Road.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:  
Zenaida C. Morana  
(Type or Print Name)  
Signature: Zenaida C. Morana  
C/O Rudy Aquino  
Address: 1055 Taylor Ave., Suite 100  
City and State: Towson, Md. 21204  
Tel.: 828-6150  
Attorney for Petitioner:  
(Type or Print Name)  
Address: 1055 Taylor Ave., Ste 100 828-6150  
City and State: Towson, Maryland 21204  
Signature: Rudy Aquino  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted:  
City and State: Towson, Maryland 21204  
Name: Rudy Aquino  
Address: 1055 Taylor Ave., Ste 100  
City and State: Towson, Maryland  
Phone No.: 828-6150  
Attorney's Telephone No.: 828-6150

ORDERED By The Zoning Commissioner of Baltimore County, this 13th day of Feb, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 10th day of Feb, 1988, at 9 o'clock A.M.

(over)

It is clear from the testimony that if the variances were granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variances were not granted. It has been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variances should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 9th day of April, 1988 that a front yard setback of 12 feet in lieu of the required 25 feet and a rear yard setback of 10 feet in lieu of the required 30 feet, in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Zoning Variance is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

ANN M. MASTAROWICZ  
Deputy Zoning Commissioner  
of Baltimore County

AMH:bjs

#### Office of PATUXENT Publishing Company

January 2 19 88

THIS IS TO CERTIFY, that the annexed advertisement of

NOTICE OF HEARING 95508

was inserted in the following:  
☐ Catonsville Times ☐ Booster Weekly  
☐ Arbutus Times ☐ Cwings Mills Flier  
☐ Reporter Weekly ☒ Towson Flier #11.08

weekly newspapers published in Baltimore County, Maryland once a week for one successive weeks before the 21 day of January, 1988, that is to say, the same was inserted in the issues of

January 21, 1988

PATUXENT PUBLISHING COMPANY  
By [Signature]

April 21, 1988

Ms. Mary Collins  
5660 Woodmont Avenue  
Baltimore, Maryland 21239

RE: Petition for Zoning Variance  
N/S Burridge Avenue, 300' W of Mid Avenue  
9th Election District, 4th Councilmanic District  
Case No. 88-305-A

Dear Ms. Collins:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been Granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

Very truly yours,

ANN M. MASTAROWICZ  
Deputy Zoning Commissioner  
of Baltimore County

AMH:bjs

Enclosures

cc: Mr. Rudy Aquino  
1055 Taylor Avenue, Suite 100, Towson, Md. 21204

Mr. William A. Hofferberth  
2402 Burridge Road, Baltimore, Md. 21234

Mr. Thomas F. Nibali  
2708 Waldor Drive, Baltimore, Md. 21234

Mr. Robert E. Holt  
2435 Woodcroft Road, Baltimore, Md. 21234

People's Counsel

File

#### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Case No. 88-305-A  
N/S Burridge Avenue, 300' W of Mid Avenue  
9th Election District - 6th Councilmanic District  
Petitioner: Mary Collins  
DATE/TIME: WEDNESDAY, FEBRUARY 10, 1988 at 9:00 a.m.

Variance to permit front setback of 12 feet in lieu of the required 25 ft.; and a rear setback of 10 feet in lieu of the required 30 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

BALTIMORE COUNTY, MARYLAND No. 41748  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

DATE: 1/22/88 ACCOUNT: None

AMOUNT: \$

RECEIVED FROM: None

FOR: None

VALIDATION OR SIGNATURE OF CASHIER



